

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

Civil Action No.1:24-CV-11850-IT

DESIGN MARK INDUSTRIES, LLC	)
Plaintiff	)
	)
v.	)
	)
	)
UNBEATEN PATH INTERNATIONAL LTD,	)
and MILTON C. HABECK,	)
Defendants	)
	)

**PLAINTIFF'S EMERGENCY MOTION FOR PRELIMINARY INJUNCTION AND/OR  
TEMPORARY RESTRAINING ORDER**

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**NOW COMES**, Plaintiff, Design Mark Industries, LLC ("Plaintiff" or "Design Mark") pursuant to Fed. R. Civ. P. 65 and L.R., D. Mass 7.1 in the above referenced matter and hereby respectfully moves this Honorable Court for a preliminary injunction or temporary restraining order on an emergency basis and expedited briefing schedule to enjoin Defendants from ongoing arbitration of the case with the Institute of Christian Conciliation ("ICC").

Plaintiff hereby incorporates by reference the Complaint, Doc. No. 1, and accompanying exhibits (filed July, 18, 2024) and the memorandum of law in support of this motion, filed contemporaneously herewith.

Plaintiff requests that this Honorable Court enter the following orders:

1. That the Court issue a Preliminary Injunction or Temporary Restraining Order, enjoining Defendants, Unbeaten Path International Ltd. and Milton C. Habeck, from arbitrating the matters at issue through the ICC; and

2. That the Court order that no further proceedings and/or decisions are rendered by the ICC in this matter.

**WHEREFORE**, Plaintiff Design Mark hereby requests this Honorable Court grant the following relief:

- (i) Enter a preliminary injunction ordering Defendants and ICC to stop enforcing arbitration of this case through the ICC;
- (ii) Issue preliminary and permanent injunctive orders enjoining Defendants from arbitrating the matter at issue through the ICC; and
- (iii) Order no further proceedings and/or decisions be made by the ICC.

As grounds for this motion, Design Mark states that there is a substantial likelihood that it will succeed on its claims to properly halt Defendants from arbitrating this case through the ICC, and Design Mark further states that, absent an injunction, Design Mark will incur irreparable harm far greater than any hardship that Defendants might incur from the issuance of an injunction. *Please see Memorandum of Law in Support of Plaintiff's Emergency Motion for Preliminary Injunction and/or Temporary Restraining Order at EXHIBIT A.*

**REQUEST FOR ORAL ARGUMENT**

Pursuant to L.R., D. Mass. 7.1(d), Plaintiff believes that oral argument will assist the Court and wishes to be heard. Plaintiff therefore requests oral argument on its Motion.

Respectfully submitted,

DESIGN MARK,  
By its Attorneys,



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Scott W. Lang, Esq., BBO #285720

Anastasia Kondrasov, Esq., BBO #713296  
Lang, Xifaras & Bullard  
115 Orchard Street  
New Bedford, MA 027  
(508) 992-1270 / Fax: 508-993-8696  
[swlang@lxblaw.com](mailto:swlang@lxblaw.com)  
[akondrasov@lxblaw.com](mailto:akondrasov@lxblaw.com)

Dated: July 25, 2024